

§ 2.11 Submission of bills for medical services, appliances and supplies.

All charges for medical, hospital, surgical, or other treatment or care of injured employees shall be itemized on Form S-69 provided by the Bureau, and this form properly executed shall be forwarded promptly to the Bureau for consideration. A separate Form S-69 shall be submitted by each payee for services to each injured employee. Vouchers should be submitted when the employee is discharged from treatment, except when treatment extends for more than 30 days, in which event Form S-69 should be submitted at the end of each 30-day period. Vouchers shall be verified by the signature of the injured employee, and if such signature cannot be obtained, a concise explanation of the reason for the failure to secure such verification must be stated.

§ 2.12 Reimbursement for medical expense, transportation costs, loss of wages, and incidental expenses.

If bills for medical, surgical, nursing, dental or hospital services or supplies, or appliances, have been paid by an injured employee on account of an injury incurred while in the performance of duty, an itemized bill, receipted and signed by the person who has received payment, may be submitted to the Bureau for consideration. If payment has been made to a hospital, corporation or firm, the receipted bill should bear the signature or initials of the person acting for the payee. If receipted by mechanical stamp or device, which shows clearly its intent and purpose, the usual formalities attendant to the receipting of bills may be dispensed with. Where the means of transportation is not furnished by the Government, a claim for reimbursement of the cost of necessary transportation, and of necessary incidental expenses incurred by an injured employee who has been authorized to travel for the purpose of securing medical or hospital treatment, appliances or supplies or for medical examinations, may be submitted promptly to the Bureau for consideration. Standard Form 1012 properly executed should be used for this purpose. Where transportation by automobile is furnished by an employee of the United States or by a relative of the injured employee, reimbursement may be made at the rate per mile fixed by law, Executive, administrative or other order for

employees of the United States authorized to travel at Government expense. [13 F.R. 7669, Dec. 10, 1948]

PART 3—CASES INVOLVING THE LIABILITY OF A THIRD PARTY

Sec.

- 3.1 Prosecution of third party action by beneficiary.
- 3.2 Assignment of third party.
- 3.3 Refusal to assign or prosecute claim when required; effect.
- 3.4 Distribution of damages recovered by beneficiary.
- 3.5 Distribution of damages where cause of action is assigned.
- 3.6 Bureau may require beneficiary to settle or compromise third party suit.

AUTHORITY: The provisions of this Part 3 issued under sec. 32, 39 Stat. 749, as amended; 5 U.S.C. 783, 1946 Reorg. Plan No. 2, § 3, 3 CFR, 1943-1948 Comp., p. 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, § 1, 3 CFR 1949-1953 Comp., p. 1010; 64 Stat. 1271.

SOURCE: The provisions of this Part 3 contained in Regulations under the United States Employees' Compensation Act, June 1, 1938, unless otherwise noted.

§ 3.1 Prosecution of third party action by beneficiary.

If an injury or death for which compensation is payable under said act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Bureau may require the beneficiary to prosecute an action for damages against such third person. When required by the Bureau, such cause of action shall be prosecuted in the name of the injured employee or of his personal representative by attorneys designated or approved by the Bureau.

§ 3.2 Assignment of third party.

If an injury or death for which compensation is payable under said act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the beneficiary shall, if required by the Bureau, assign any right of action he may have to the United States. All such assignments shall be in writing and no such cause of action shall vest in the United States unless and until the assignment is accepted by the Bureau.

§ 3.3 Refusal to assign or prosecute claim when required; effect.

Refusal on the part of a beneficiary to assign his right of action to the United

States or to prosecute said action in his own name when required by the Bureau shall deprive the employee of all rights to compensation.

§ 3.4 Distribution of damages recovered by beneficiary.

If an injury or death for which compensation is payable under said act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, and, as a result of suit brought by the beneficiary or by someone on his behalf, or as a result of settlement made by him or on his behalf in satisfaction of the liability of such other person, the beneficiary shall recover damages or receive any money or other property in satisfaction of the liability of such other person on account of such injury or death, the proceeds of such recovery shall be applied as follows:

(a) If an attorney is employed, a reasonable attorney's fee and cost of collection, if any, shall first be deducted from the gross amount of the settlement;

(b) There shall then be remitted to the Bureau the full amount of compensation which has been paid on account of the injury, which shall include payments made on account of medical or hospital treatment, funeral expense, and any other payments that have been made by the Bureau on account of the injury or death;

(c) Any surplus then remaining may be retained by the injured employee or his dependents, and the net amount of damages received by the beneficiary shall be credited against future payments of compensation to which the beneficiary may be entitled under the said act on account of the same injury.

§ 3.5 Distribution of damages where cause of action is assigned.

If the Bureau realizes upon a cause of action assigned to the United States pursuant to section 26 of said act, it shall apply the money or other property so received in the following manner; namely:

After deducting the amount of any compensation paid in respect of the injury or death on account of which the cause of action arose, and the expense of such realization or collection, which sum shall be placed to the credit of the proper fund of the Bureau, the surplus, if any, of such amount received shall be paid to the beneficiary and credited pro tanto upon

any future payments of compensation payable to him on account of the same injury.

§ 3.6 Bureau may require beneficiary to settle or compromise third party suit.

Where a beneficiary under said act has commenced an action in his own name or has initiated such action through an administrator of a deceased person to recover damages against the third party liable for the injury or death, the Bureau shall, at all times, have authority to require the beneficiary or such administrator to settle or compromise such action whenever it shall appear to the Bureau that further prosecution of the cause of action is not warranted. Refusal on the part of such beneficiary or other person acting in the interest of the beneficiary to make such settlement or to effect such compromise when so directed by the Bureau shall be deemed to be sufficient cause for refusal on the part of the Bureau to pay compensation on account of the same injury or death, or the Bureau may suspend compensation during the period of such refusal.

[4 F.R. 4558, Nov. 11, 1939]

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AUTHORITY: The provisions of this Part 25 issued under sec. 32, 39 Stat. 749, as amended; 5 U.S.C. 783; 1946 Reorg. Plan No. 2, sec. 3, 3 CFR, 1943-1948 Comp., p. 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, sec. 1, 3 CFR, 1949-